

Message

From: Glenn, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E9F7C03E151E475D9A656C21FD6FE4BB-WGLENN]
Sent: 2/21/2019 9:45:03 PM
To: Cooper, Geoff [Cooper.Geoff@epa.gov]
Subject: FW: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Hey Geoff,

Just following up... I haven't heard anything new on this, so the story may have run its cycle.

Here's the coverage I've seen – the first piece may be of interest as it goes into some legal theories.

Thanks for your counsel on this yesterday!

Bill

<https://arstechnica.com/gaming/2019/02/what-was-this-yoshis-island-ds-music-doing-on-the-epa-website/>
<https://www.theverge.com/2019/2/20/18233575/nintendo-yoshi-environmental-protection-agency-epa-government-island-ds>
<https://www.hollywoodreporter.com/news/epa-accused-using-nintendo-music-game-permission-1188425>

Bill Glenn
Acting Deputy Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Daguiard, Robert
Sent: Wednesday, February 20, 2019 11:17 AM
To: Glenn, William <Glenn.William@epa.gov>; Cooper, Geoff <Cooper.Geoff@epa.gov>
Cc: Hood, Timonie <Hood.Timonie@epa.gov>; Arcari, Christine <Arcari.Christine@epa.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Stephenson, Jenny <Stephenson.Jenny@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Thanks, all. We've now sent the response to this reporter, as well as to another journalist who writes for The Verge.

Cheers, R.

Robert Daguiard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Glenn, William
Sent: Wednesday, February 20, 2019 1:32 PM

To: Cooper, Geoff <Cooper.Geoff@epa.gov>

Cc: Daguiard, Robert <Daguiard.Robert@epa.gov>; Hood, Timonie <Hood.Timonie@epa.gov>; Arcari, Christine <Arcari.Christine@epa.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Stephenson, Jenny <Stephenson.Jenny@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Albright, Scott <Albright.Scott@epa.gov>

Subject: Re: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Exemption 5 Deliberative Process & Attorney Client

Bill Glenn
Acting Deputy Director
Office of Public Affairs
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On Feb 20, 2019, at 10:18 AM, Cooper, Geoff <Cooper.Geoff@epa.gov> wrote:

Exemption 5 Deliberative Process & Attorney Client

From: Glenn, William

Sent: Wednesday, February 20, 2019 1:14 PM

To: Cooper, Geoff <Cooper.Geoff@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>

Cc: Hood, Timonie <Hood.Timonie@epa.gov>; Arcari, Christine <Arcari.Christine@epa.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Stephenson, Jenny <Stephenson.Jenny@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Albright, Scott <Albright.Scott@epa.gov>

Subject: RE: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Exemption 5 Deliberative Process & Attorney Client

Bill Glenn
Acting Deputy Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Cooper, Geoff

Sent: Wednesday, February 20, 2019 10:01 AM

To: Glenn, William <Glenn.William@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Hood, Timonie <Hood.Timonie@epa.gov>; Arcari, Christine <Arcari.Christine@epa.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Stephenson, Jenny <Stephenson.Jenny@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Exemption 5 Deliberative Process & Attorney Client



Geoff Cooper
Assistant General Counsel
Intellectual Property Law Practice Group
(202) 564-5451
cooper.geoff@epa.gov

From: Glenn, William
Sent: Wednesday, February 20, 2019 12:37 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Hood, Timonie <Hood.Timonie@epa.gov>; Arcari, Christine <Arcari.Christine@epa.gov>; Cooper, Geoff <Cooper.Geoff@epa.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Stephenson, Jenny <Stephenson.Jenny@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Subject: RE: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Exemption 5 Deliberative Process & Attorney Client



Bill Glenn
Acting Deputy Director
Office of Public Affairs

U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Daguillard, Robert
Sent: Wednesday, February 20, 2019 8:30 AM
To: Glenn, William <Glenn.William@epa.gov>
Cc: Hood, Timonie <Hood.Timonie@epa.gov>; Arcari, Christine <Arcari.Christine@epa.gov>; Cooper, Geoff <Cooper.Geoff@epa.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Stephenson, Jenny <Stephenson.Jenny@epa.gov>
Subject: Re: Recycle City Music Issue: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Thanks, Bill. More from the reporter:

"Thanks for the response. I became aware of this through reports bubbling up in corners of the gaming press. One example: http://www.nintendolife.com/news/2019/02/us_government_spices_up_its_flash_game_with_yoshis_island_ds_music

At this point I'd likely publish sometime in the early afternoon (East Coast time) and can of course update with a comment if it comes to that. Please keep me posted"

Robert Daguillard
U.S. EPA
Office of Media Relations
Washington D.C.
202-360-0476 (M)
202-564-6618 (O)

On Feb 20, 2019, at 11:11 AM, Glenn, William <Glenn.William@epa.gov> wrote:

Exemption 5 Deliberative Process & Attorney Client



Bill Glenn
Acting Deputy Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

On Feb 20, 2019, at 7:59 AM, Hood, Timonie <Hood.Timonie@epa.gov> wrote:

Scroll to the last message.

From: Arcari, Christine
Sent: Wednesday, February 20, 2019 7:15 AM
To: Hood, Timonie <Hood.Timonie@epa.gov>; Priselac, Adrienne <Priselac.Adrienne@epa.gov>

Cc: ORCR Press <ORCR_Press@epa.gov>

Subject: FW: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Hi Timonie and Adrienne,

Not sure if this press inquiry has made it's way around to you all yet, but do you by chance know anything about the music in it or know who might? See the press inquiry below and the OGC contact who can work with Region 9 to respond to this inquiry.

Thanks,

Christine

Christine Arcari
U.S. Environmental Protection Agency
Email: arcari.christine@epa.gov
Phone: 703-308-8462

From: Cooper, Geoff

Sent: Wednesday, February 20, 2019 10:07 AM

To: Arcari, Christine <Arcari.Christine@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Amorosi, Joanne <Amorosi.Joanne@epa.gov>

Cc: OGC SWERLO MGMT <OGC_SWERLO_MGMT@epa.gov>; OGC GLO MGMT <OGC_GLO_MGMT@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Recyclecity R9 <Recyclecity_R9@epa.gov>; Ryan, Jini <Ryan.Jini@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>

Subject: RE: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Exemption 5 Deliberative Process & Attorney Client



Geoff Cooper
Assistant General Counsel
Intellectual Property Law Practice Group
(202) 564-5451

cooper.geoff@epa.gov

From: Arcari, Christine
Sent: Wednesday, February 20, 2019 9:57 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Daguiard, Robert <Daguiard.Robert@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Amorosi, Joanne <Amorosi.Joanne@epa.gov>
Cc: OGC SWERLO MGMT <OGC_SWERLO_MGMT@epa.gov>; OGC GLO MGMT <OGC_GLO_MGMT@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Recyclecity R9 <Recyclecity_R9@epa.gov>; Ryan, Jini <Ryan.Jini@epa.gov>
Subject: RE: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

Hi Robert,

I'm not sure anyone in ORCR knows about the origins of this game – it was created by Region 9 - but we'll ask around.

Christine

Christine Arcari
U.S. Environmental Protection Agency
Email: arcari.christine@epa.gov
Phone: 703-308-8462

From: Stachowiak, Robert
Sent: Wednesday, February 20, 2019 9:51 AM
To: Daguiard, Robert <Daguiard.Robert@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Amorosi, Joanne <Amorosi.Joanne@epa.gov>
Cc: OGC SWERLO MGMT <OGC_SWERLO_MGMT@epa.gov>; OGC GLO MGMT <OGC_GLO_MGMT@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

+ OGC SWERLO and OGC GLO, David F

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
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From: Daguillard, Robert
Sent: Wednesday, February 20, 2019 9:49 AM
To: Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Amorosi, Joanne <Amorosi.Joanne@epa.gov>
Subject: OGC/ORCR/OMS: Comment Request: Nintendo music in EPA game?

**ARS TECHNICA
KYLE ORLAND
DDL SOON**

Colleagues, we're looking at what the reporter suggests could be a copyright issue. Thanks in advance for any insight, and suggestion on next steps.

Cheers, R.

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Hi there,

Kyle Orland, Senior Gaming Editor for Ars Technica here, with a bit of an odd question. It appears that the Recycle City game available on the EPA web site at <https://www3.epa.gov/recyclecity/challenge/index.html>) makes use of copyrighted music that first appeared in the Nintendo DS game Yoshi's Island DS (a version of which can be found here: <https://youtu.be/Zb9jvSQg9sw?t=1010>).

I was wondering if the EPA had any comment on how this apparent music reuse happened, whether the organization was aware of it before now, and what, if anything, is planned to be done about it.

Please let me know if a comment is pending, even if it might take a little time. I can probably hold off on publishing for a little while if it means including a quote from the EPA.

Thanks in advance for any information you can provide.

-Kyle Orland